

**Introduced by Senator Ridley-Thomas**

February 23, 2007

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An act to amend, repeal, and add Sections 120335 and 120390.5 of the Health and Safety Code, relating to vaccinations.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 676, as introduced, Ridley-Thomas. Health: immunizations.

(1) Existing law prohibits the governing authority of a school or other institution from unconditionally admitting any person as a pupil of any private or public elementary or secondary school, child care center, day nursery, nursery school, family day care home, or development center, unless prior to his or her first admission to that institution he or she has been fully immunized against various diseases. For haemophilus influenzae type b, the prohibition applies only to children who have not reached 4½ years of age. For mumps and pertussis, the prohibition applies only to pupils who have not reached 7 years of age. For hepatitis B, existing law applies for all children entering the institution at the kindergarten level or below on or after August 1, 1997, and prohibits the governing authority from unconditionally admitting or advancing any pupil to the 7th grade level unless the pupil has been fully immunized.

This bill would, on and after July 1, 2008, for haemophilus influenzae type b, also apply the prohibition against unconditional admission to children who have reached 4½ years of age, for mumps and pertussis, apply the prohibition against unconditional admission to pupils who have reached 7 years of age, and for hepatitis B, prohibit the governing authority from unconditionally admitting a pupil at any grade level, unless the pupil has been fully immunized. On and after July 1, 2008, the prohibition would also apply to a pupil who has not been fully

immunized against pertussis within a 2-year period prior to entry into the 7th grade.

Because the bill would add to the duties of certain local agencies it would impose a state-mandated local program.

(2) Existing law requires the Trustees of the California State University and the Regents of the University of California to require the first-time enrollees of those institutions who are 18 years of age or younger to provide proof of immunization against the hepatitis B virus prior to enrollment, except as specified.

This bill would on and after July 1, 2008, also require proof of immunization against pertussis prior to enrollment.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 120335 of the Health and Safety Code
- 2 is amended to read:
- 3 120335. (a) As used in ~~Chapter 1 (commencing with Section~~
- 4 ~~120325~~ *this chapter*, but excluding Section ~~120380~~ 120380, and
- 5 as used in Sections 120400, 120405, 120410, and 120415, the term
- 6 “governing authority” means the governing board of each school
- 7 district or the authority of each other private or public institution
- 8 responsible for the operation and control of the institution or the
- 9 principal or administrator of each school or institution.
- 10 (b) The governing authority shall not unconditionally admit
- 11 any person as a pupil of any private or public elementary or
- 12 secondary school, child care center, day nursery, nursery school,
- 13 family day care home, or development center, unless prior to his
- 14 or her first admission to that institution he or she has been fully
- 15 immunized. The following are the diseases for which
- 16 immunizations shall be documented:
- 17 (1) Diphtheria.

1 (2) *Haemophilus influenzae* type b, except for children who  
2 have reached the age of four years and six months.

3 (3) Measles.

4 (4) Mumps, except for children who have reached the age of  
5 seven years.

6 (5) Pertussis (whooping cough), except for children who have  
7 reached the age of seven years.

8 (6) Poliomyelitis.

9 (7) Rubella.

10 (8) Tetanus.

11 (9) Hepatitis B for all children entering the institutions listed  
12 in this subdivision at the kindergarten level or below on or after  
13 August 1, 1997.

14 (10) Varicella (chickenpox), effective July 1, 2001. Persons  
15 already admitted into California public or private schools at the  
16 kindergarten level or above before July 1, 2001, shall be exempt  
17 from the varicella immunization requirement for school entry. This  
18 paragraph shall be operative only to the extent that funds for this  
19 purpose are appropriated in the annual Budget Act.

20 The department may adopt emergency regulations to implement  
21 this paragraph including, but not limited to, requirements for  
22 documentation and immunization status reports, in accordance  
23 with the rulemaking provisions of the Administrative Procedure  
24 Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of  
25 Division 3 of Title 2 of the Government Code). The initial adoption  
26 of emergency regulations shall be deemed to be an emergency and  
27 considered by the Office of Administrative Law as necessary for  
28 the immediate preservation of the public peace, health and safety,  
29 or general welfare. Emergency regulations adopted pursuant to  
30 this paragraph shall remain in effect for no more than 180 days.

31 (11) Any other disease deemed appropriate by the department,  
32 taking into consideration the recommendations of the United States  
33 Public Health Services' Centers for Disease Control Immunization  
34 Practices Advisory Committee and the American Academy of  
35 Pediatrics Committee of Infectious Diseases.

36 (c) On and after July 1, 1999, the governing authority shall not  
37 unconditionally admit any pupil to the 7th grade level, nor  
38 unconditionally advance any pupil to the 7th grade level, of any  
39 of the institutions listed in subdivision (b) unless the pupil has  
40 been fully immunized against hepatitis B.

(d) The department may specify the immunizing agents which may be utilized and the manner in which immunizations are administered.

(e) *This section shall become inoperative on July 1, 2008, and as of January 1, 2009, is repealed, unless a later enacted statute that is enacted before January 1, 2009, deletes or extends the dates on which it becomes inoperative and is repealed.*

SEC. 2. Section 120335 is added to the Health and Safety Code, to read:

120335. (a) As used in this chapter, but excluding Section 120380, and as used in Sections 120400, 120405, 120410, and 120415, the term “governing authority” means the governing board of each school district or the authority of each other private or public institution responsible for the operation and control of the institution or the principal or administrator of each school or institution.

(b) The governing authority shall not unconditionally admit any person as a pupil of any private or public elementary or secondary school, child care center, day nursery, nursery school, family day care home, or development center, unless prior to his or her first admission to that institution he or she has been fully immunized. The following are the diseases for which immunizations shall be documented:

- (1) Diphtheria.
- (2) Haemophilus influenzae type b.
- (3) Measles.
- (4) Mumps.
- (5) Pertussis (whooping cough).
- (6) Poliomyelitis.
- (7) Rubella.
- (8) Tetanus.
- (9) Hepatitis B.
- (10) Varicella (chickenpox), effective July 1, 2001. Persons already admitted into California public or private schools at the kindergarten level or above before July 1, 2001, shall be exempt from the varicella immunization requirement for school entry. This paragraph shall be operative only to the extent that funds for this purpose are appropriated in the annual Budget Act.

The department may adopt emergency regulations to implement this paragraph, including, but not limited to, requirements for

1 documentation and immunization status reports, in accordance  
2 with the rulemaking provisions of the Administrative Procedure  
3 Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of  
4 Division 3 of Title 2 of the Government Code). The initial adoption  
5 of emergency regulations shall be deemed to be an emergency and  
6 considered by the Office of Administrative Law as necessary for  
7 the immediate preservation of the public peace, health and safety,  
8 or general welfare. Emergency regulations adopted pursuant to  
9 this paragraph shall remain in effect for no more than 180 days.

10 (11) Any other disease deemed appropriate by the department,  
11 taking into consideration the recommendations of the United States  
12 Public Health Services' Centers for Disease Control Immunization  
13 Practices Advisory Committee and the American Academy of  
14 Pediatrics Committee of Infectious Diseases.

15 (c) The governing authority shall not unconditionally admit any  
16 pupil to the 7th grade level, nor unconditionally advance any pupil  
17 to the 7th grade level, of any of the institutions listed in subdivision  
18 (b) unless the pupil has been fully immunized against pertussis  
19 within a two-year period prior to entry into the 7th grade.

20 (d) The department may specify the immunizing agents which  
21 may be utilized and the manner in which immunizations are  
22 administered.

23 (e) This section shall become operative on July 1, 2008.

24 SEC. 3. Section 120390.5 of the Health and Safety Code is  
25 amended to read:

26 120390.5. (a) Except as provided in subdivisions (b), (c), and  
27 (d), on or after January 1, 2000, the Trustees of the California State  
28 University, and the Regents of the University of California shall  
29 require the first-time enrollees at those institutions who are 18  
30 years of age or younger to provide proof of full immunization  
31 against the hepatitis B virus prior to enrollment.

32 (b) A person who has not been fully immunized against the  
33 hepatitis B virus, as required by subdivision (a), may be admitted  
34 by the governing body of any of the institutions of higher education  
35 to which subdivision (a) is applicable on condition that, within a  
36 designated time period, the person will provide proof of full  
37 immunization against hepatitis B.

38 (c) Immunization of a person shall not be required for admission  
39 to an institution of higher education to which subdivision (a) is  
40 applicable if any of the following persons files with the governing

body of the educational institution a letter or affidavit stating that the immunization is contrary to the beliefs of either of the following:

(1) The parent, guardian, or adult who has assumed responsibility for the care and custody of the person seeking admission, if that applicant is a minor who is not emancipated or who is 17 years of age or younger.

(2) The person seeking admission, if that applicant is an emancipated minor or is 18 years of age.

(d) If a person seeking enrollment in an institution of higher education to which subdivision (a) is applicable, or the parent or guardian of a person seeking enrollment, files with the governing body a written statement by a physician and surgeon that the physical condition of the person or medical circumstances relating to the person are such that immunization is not considered safe, indicating the specific nature and probable duration of the medical condition or circumstances that contraindicate immunization, that person shall be exempt from the requirements of subdivision (a).

*(e) This section shall become inoperative on July 1, 2008, and as of January 1, 2009, is repealed, unless a later enacted statute that is enacted before January 1, 2009, deletes or extends the dates on which it becomes inoperative and is repealed.*

SEC. 4. Section 120390.5 is added to the Health and Safety Code, to read:

120390.5. (a) Except as provided in subdivisions (b), (c), and (d), on or after July 1, 2008, the Trustees of the California State University, and the Regents of the University of California shall require the first-time enrollees at those institutions who are 18 years of age or younger to provide proof of full immunization against the hepatitis B virus and pertussis prior to enrollment.

(b) A person who has not been fully immunized against the hepatitis B virus, as required by subdivision (a), may be admitted by the governing body of any of the institutions of higher education to which subdivision (a) is applicable on condition that, within a designated time period, the person will provide proof of full immunization against hepatitis B and pertussis.

(c) Immunization of a person shall not be required for admission to an institution of higher education to which subdivision (a) is applicable if any of the following persons files with the governing body of the educational institution a letter or affidavit stating that

1 the immunization is contrary to the beliefs of either of the  
2 following:

3 (1) The parent, guardian, or adult who has assumed  
4 responsibility for the care and custody of the person seeking  
5 admission, if that applicant is a minor who is not emancipated or  
6 who is 17 years of age or younger.

7 (2) The person seeking admission, if that applicant is an  
8 emancipated minor or is 18 years of age.

9 (d) If a person seeking enrollment in an institution of higher  
10 education to which subdivision (a) is applicable, or the parent or  
11 guardian of a person seeking enrollment, files with the governing  
12 body a written statement by a physician and surgeon that the  
13 physical condition of the person or medical circumstances relating  
14 to the person are such that immunization is not considered safe,  
15 indicating the specific nature and probable duration of the medical  
16 condition or circumstances that contraindicate immunization, that  
17 person shall be exempt from the requirements of subdivision (a).

18 (e) This section shall become operative on July 1, 2008.

19 SEC. 5. If the Commission on State Mandates determines that  
20 this act contains costs mandated by the state, reimbursement to  
21 local agencies and school districts for those costs shall be made  
22 pursuant to Part 7 (commencing with Section 17500) of Division  
23 4 of Title 2 of the Government Code.